

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Criminal No.
03-10362-WGY

* * * * *
UNITED STATES OF AMERICA
v.
FABIAN RUIZ
* * * * *

SENTENCING EXCERPT

BEFORE: The Honorable William G. Young,
District Judge

1 Courthouse Way
Boston, Massachusetts

July 25, 2005

1 **THE COURT:** All right. Mr. Fabian Ruiz, in
2 consideration of the offenses of which you stand convicted,
3 the information -- the criteria of 18 United States Code,
4 Section 3553, the information from the United States
5 Attorney, your attorney, and the probation officer, this
6 Court sentences you to 63 months on each of the counts of
7 conviction, the sentence on each of the counts of conviction
8 to run concurrent one with the other. You shall have credit
9 toward the service of that sentence from October 24th, 2003.

10 Thereafter, the Court imposes upon you four years
11 of supervised release with the following special conditions.
12 That during your period of supervised release you submit to
13 the collection of a DNA sample as directed by the probation
14 officer. You're prohibited from possessing a firearm or
15 other dangerous weapon. You're to participate in a program
16 for substance abuse as directed by the United States
17 Probation Office, which program may include testing not to
18 exceed 104 drug tests per year. You will use your true name
19 and you're prohibited from the use of any alias, aliases or
20 false identifiers.

21 If I've not already done it, I impose a \$200
22 special assessment.

23 Let me explain the sentence. This is not your
24 first time before a court. You were central to this
25 conspiracy. You knew exactly what you were doing. This is

1 a fair and a just sentence. The government, the government
2 gives you credit for a full, complete and truthful proffer.
3 And I adopt that.

4 I cannot say to you anymore directly than this,
5 Mr. Ruiz. Now's the time to turn everything around. It's
6 over. This sort of criminal behavior is over. Now you've
7 got a real sentence here.

8 And I do recommend that the sentence be served at
9 one of the two places of incarceration in the state of
10 Arkansas, and if the Bureau of Prisons does not place you
11 there that it be served at the correctional facility in
12 Nellis in Las Vegas, Nevada. Now, that's only a
13 recommendation.

14 If you do not take this as the real sentence that
15 ends your criminal involvement, that's the reason I give you
16 four years of supervised release, that's four years after
17 the five years, five years and three months, you'll simply
18 go to prison for a longer time. Any other judge is going to
19 treat you that way after a 63 year -- 63 month sentence
20 unless you tow the line. A judge is -- all judges in my
21 experience, they're immediately going to start thinking the
22 maximum sentence they can impose. You have to take that
23 into consideration from here on out.

24 This is a just and a fair sentence. It cuts you --
25 it's a lower sentence because of your honest proffer. But

1 it's the sentence that is appropriate under the law.

2 Now, you have the right to appeal from any findings
3 or rulings this Court has made against you. Should you
4 appeal and if your appeal is successful in whole or in part
5 and it's remanded for resentencing, you'll be resentenced
6 before another judge.

7 That's the sentence --

8 **MS. CARTER:** Your Honor?

9 **THE COURT:** Yes.

10 **MS. CARTER:** I think you inadvertently referenced
11 that, or made the recommendation that he serve his time in
12 one of the two Arkansas prisons. I think you meant Arizona.

13 **THE COURT:** I heard you say Arkansas.

14 **MS. CARTER:** If I made a mistake then I made a
15 mistake.

16 **THE COURT:** You want, you want the prisons --

17 **MS. CARTER:** Arizona.

18 **THE COURT:** -- in Arizona?

19 **MS. CARTER:** Yes.

20 **THE COURT:** I do so recommend. It's Arizona.

21 **MS. CARTER:** Thank you. And I apologize.

22 **THE COURT:** It's a real sentence, Mr. Ruiz. But
23 we're not trying to make it any more -- it's the time that's
24 the sentence.

25 Now, given the time, I do recommend you for the

1 500-hour, 500-hour drug treatment program. I've recommended
2 that the sentence be served at those two prisons in Arizona,
3 and if not there up in Nevada. These are done to be a help
4 to you when you come out, and that help is as sincere as the
5 sentence is also sincere. Now is the time to turn this
6 around.

7 That's the sentence of the Court. He's remanded to
8 the custody of the marshals. We'll call the next case.

9 (Whereupon the matter concluded.)
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